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LAW DEPARTMENT
SECRETARIAT : AGARTALA

No. F.8(14)-Law/Leg-I/2019/9795-96 Dated, Agartala, the 4th October, 2019.

NOTIFICATION

The following Act of the Tripura Legislative Assembly received the assent of the Governor of Tripura on the 1st October, 2019 and is hereby published for General information.

4.10.19
Goutam Debnath
L.R. & Secretary, Law
Government of Tripura

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THE TRIPURA ACT NO. 9 OF 2019

THE TRIPURA ESSENTIAL SERVICES MAINTENANCE ACT, 2019

An
ACT

to provide for the maintenance of essential services in the State of Tripura to ensure the delivery of those essential services, which if obstructed would effect the normal life of the people and for matters connected therewith or incidental thereto.

BE it enacted by the Tripura Legislative Assembly in the seventieth year of the Republic of India as follows:-

1. Short, title and extent.

(1) This may be called 'The Tripura Essential Services Maintenance Act, 2019';

(2) It extends to the whole of the State of Tripura.

(3) It shall come into force on and from the date of its publication in the Tripura Gazette.

2. Definitions

(1) In this Act, unless the context otherwise requires, -

(a) "service" includes employment of any nature whether paid or unpaid;

(b) "Government" means the Government of the State of Tripura;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "strike" means the cessation of work by a body of persons employed in any service or class of service to which this Act applies, acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons, who are or have been so employed to continue to work or to accept service, and includes –

(i) mass casual leave in pursuance of a common understanding among the persons who avail themselves of such leave, or under the direction of any other person or persons;

(ii) refusal to work overtime where such work is necessary for the maintenance of work in any service to which this Act applies; or

(iii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any service to which this Act applies.

3. Service to which Act applies.
This Act shall apply-

To any ***government or private*** services or class of services which the Government, being of the opinion that such services or class of services is essential for securing the public safety, the maintenance of public order, health or sanitation, or for maintaining supplies or services necessary for the life of the community, may, by notification, declare.

4. Power to order persons engaged in certain services to remain in specified areas.

(1) The Government or an officer authorized by it in this behalf may, in respect of any service or class of service to which section 3 applies, by general or special order, direct that any person or persons engaged in such service shall not depart out of such area or areas may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Government or the officer making the order considers fit to bring it to the notice of persons affected thereby.

5. Power to prohibit strike.- (1) If the Government is satisfied that in the public interest it is necessary or expedient so to do, it may by general or special order, prohibit strikes in any service or class of service to which this Act applies.
(2) An order made under sub-section (1) shall be published in such manner as the Government considers sufficient to bring it to the notice of the persons affected by the order and shall remain in force for a period of six months:

Provided that the government may if satisfied and feels it expedient to do so, in the public interest, extend for any further period but not exceeding six months by one such order.

(3) Upon the issue of the order under sub-section (1), -

(a) no person employed in any service or class of service to which this Act applies and to whom the order relates shall go, or remain on strike; and

(b) any strike declared or commenced, whether before or after the issue of the order persons employed in any such service shall be illegal.

6. Offences

Any person engaged in any service or class of service to which this Act applies who-

(a) disobeys any lawful order published by such general or special order u/s 5(1) ;

(b) without reasonable excuse abandons such service or absents himself from work;

(c) departs from any area specified in an order made under sub-section (1) of section 4 without the consent of the authority making the order;

(d) himself takes part and abets other person to take part in, otherwise acts in furtherance of, such illegal strike; or

Shall be guilty of an offence under this Act.

Explanation 1-

If a person apprehends that by continuing in his service, he will be exposed to any danger because of such prohibited act under this Act, such apprehension shall not be a reasonable excuse within the meaning of clause (b).

Explanation 2 –

1) Any employer of a person other than the government engaged in a service or class of service declared under section 3 to be a service to which this Act applies, who without reasonable cause

(a) discontinues the service of such person; or

(b) by closing an establishment in which such person is engaged causes the discontinuance of his service;

Shall be guilty of an offence under this Act.

7. Regulation of wages and conditions of service.

(1) The Government may make rules regulating or empowering a specified authority to regulate wages and other conditions of service of persons or any class of persons engaged in any service or class of service declared as such under section 3.

(2) When any such rules have been made or when any direction regulating wages or conditions of service have been given by an authority empowered by such rules to give such directions, any person failing to comply with them shall be guilty of an offence under this Act.

8. Penalties and procedure.

(1) Any person found guilty of an offence under this Act shall, on conviction, be punishable with imprisonment for a term which may extend to three years or with fine which may extend upto Rs. 10,000/- (Rupees Ten Thousand) or with both.

(2) Where an offence under this Act has been committed by a company, every person in-charge of, or responsible to the company or to any particular section of the company responsible for the conduct of its business or for conduct of part of its business at the time of the commission of the offence shall be liable to be proceeded against and be punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation. –

For the purpose of this section.-

(a) "company" means any body or corporate, and includes a firm or other association of individuals and

(b) "director" in relation to a firm means a partner in the firm.

(3) The offences under this Act shall be cognizable and bailable.

(4) Any First Class Magistrate may take cognizance and pry such cases.

9. Indemnity

No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or contended to be done under this Act or the rules made there under.

10. Over riding effect of orders, rules etc., made under the Act.

The provisions of this Act or any order or Notifications made or direction given under this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

Goutam Debnath
LR & Secretary, Law
Government of Tripura.